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374-11321-P011WJCI

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MESSAGE: Per our teleconference earlier today, attached please find a substituted Terminal Disclaimer for Patent Application Serial No. 10/032,726. Please feel free to call me if you have any questions.

FROM: SENT ON BEHALF OF ROSS SPENCER GARSSON
DATE: JUNE 3, 2004

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| TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING SECOND APPLICATION | | Docket Number (Optional) |
| | | 11321-P012US011 |

In re Application of Richard E Smalley et al.

Application No. 10/032,726

Filed: December 28, 2001

For: METHOD FOR GROWING SINGLE-WALL CARBON NANOTUBES UTILIZING SEED MOLECULES

The owner*, William Marsh Rice University, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/032,732, filed on December 28, 2001, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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2 The undersigned is an attorney or agent of record

 6/3/04
Signature Date

Robert C. Shadox

Typed or printed name

(713) 650-2764

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Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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